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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,700	11/08/2001	Shinobu Sato	15069	7039
23389	7590	02/13/2006	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				CHOOBIN, BARRY
ART UNIT		PAPER NUMBER		
		2623		

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,700	SATO, SHINOBU	

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 1/23/2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-7 and 9-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3-7 and 9-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/23/06 have been fully considered but they are not persuasive.

Applicant's amended claims 1, 7 and 13-15 recite preexisted limitation of claim 2 and 8. Furthermore, Applicant argues that the cited prior art fails to teach or fairly suggest modifying the intensity level of a watermark depending on the specific type of picture frame into which the watermark is inserted.

The Examiner disagrees. Tanaka discloses a Digital Watermarking Technique in which clearly discloses a watermark level of a watermark to be embedded into picture of data is changed (modified) depending on the picture type (column 2, lines 36-44)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4-7, 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka and Hartung et al.

As to claim 1, Tanaka discloses a data insertion device comprising:

an input device which inputs image data including a types of pictures (Fig.1, element 106); a determining device which determines the type of the picture for each

picture (Fig.1); and an inserting device which inserts pattern data into each picture with an insertion intensity according to the type determined about the corresponding picture (Fig.1. and column 2, lines 20-29 wherein a watermark level corresponds to the insertion intensity in this claim), the pattern data being modified by the inserting device to have the insertion intensity, the modified pattern data subsequently being inserted into picture (column 2, lines 36-44).

Tanaka fails to explicitly disclose that the input image data is compressed image data. However, Hartung et al disclose a Digital watermarking of MPEG-2 coded video..

Tanaka and Hartung et al are combinable because they both are in the field of watermarking image data.

It would have been obvious to a person of ordinary skill in the art of image processing to combine the teaching of Hartang et al with the work of Tanaka in order to reduce the complexity operation.

The motivation for doing so would have been to considerably lower complexity than schemes for watermarking of uncompressed video which require decompression and recompression when a compressed video sequence has to be watermarked (see page 2621, column 2 of Hurting et al).

As to claim 3, Tanaka discloses the data insertion device of claim 2 (see claim 2 above), wherein the modification is done by multiplying the pattern data by a multiplier rate, which adjusted according to the determined type (column 3, lines 34-43).

As to claim 4, Tanaka discloses the data insertion device of claim 1 (see claim 1 above) wherein a group of pattern data are prepared each of which are generated so as to have the insertion intensity according to one of the types of the pictures, and the inserting device selects one of the group of pattern data and inserts them into the corresponding picture (Fig.1, 304).

As to claim 5, Tanaka discloses the data insertion device of claim wherein the Pattern data includes information related to digital watermarking (Fig.1).

As to claim 6, Tanaka discloses the data insertion device of claim 1 (see claim 1 above) wherein the image data are MPEG2 data, and the types of picture includes I picture, P picture, and B picture (column 4, lines 24-33).

Claims 7 and 9-12 are similarly analyzed and rejected as claims 1, and 3-6 respectively.

Claims 13-15 are similar to claim 1. Accordingly, these claims are similarly analyzed and rejected as claim 1 above.

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 571-272-7447. The examiner can normally be reached on M-F 7:30 AM to 18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barry Choobin
2/9/06